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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,778	12/31/2003	S. Michael Perlmuter	P5202	1019
24739 7590 01/23/2008 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
			EXAMINER NGUYEN, KHAI MINH	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,778

Applicant(s)

PERLMUTTER, S. MICHAEL

Examiner

Khai M. Nguyen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 19-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinz (U.S.Pat-20050070282) in view of Tiliks et al. (U.S.Pat-20070121855).

Regarding claim 19, Hinz teaches in a telephone system having a service control point (SCP), a method for call treatment comprising:

(a) configuring by a user call treatment locations, other than standard call delivery ([0011]), for use by the system based on time-of-day (TOD) at the user's current location ([0011]-[0015]);

(b) providing by the user to the system an access code (not show) ([0011], [0028]-[0029] the message may prompt the calling party of mobile station 12 to indicate in a specified manner (saying or dialing a specified response) that the call is to be routed or that the calling party wishes to leave a message for the called party);

(c) upon receiving a call placed by a caller for the user ([0011]-[0015]), determining if call treatment options apply ([0011]), and imposing the constraints ([0011]-[0015]); and

Hinz fails to specifically disclose an access code, and (d) in the event the caller enters the access code, routing the call back to standard call delivery. However, Tiliks teaches an access code (fig.2, PIN), and (d) in the event the caller enters the access code, routing the call back to standard call delivery (fig.2, [0092]-[0093]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Regarding claim 20, Hinz teaches in a mobile telephone system, a method for call treatment comprising:

(a) determining a geographic location for a subscriber to the system for a call placed by a caller ([0011]-[0015]);

(b) determining the TOD at the subscriber's location ([0011]-[0015]);

(c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range ([0011]-[0015]); and

Hinz fails to specifically disclose (d) bypassing the treatment options if the caller enters a preset access code. However, Tiliks teaches (d) bypassing the treatment options if the caller enters a preset access code (fig.2, [0092]-[0093]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Regarding claim 21, Hinz teaches a call roaming system comprising a facility for determining a geographic location of a called party for a call placed by a caller ([0011]-[0015]), determining the time of day (TOD) in the called party's location ([0011]), and informing the caller of the destination TOD ([0011]-[0015]);

wherein when the system determines a TOD within a preset range ([0011]-[0015]), the system further provides the Caller an option of going directly to voice mail ([0011]) or entering a preset access code to deliver the call (not show).

Hinz fails to specifically disclose entering a preset access code to deliver the call. However, Tiliks teaches entering a preset access code to deliver the call (fig.2, [0092]-[0093]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Regarding claim 22, Hinz teaches a call treatment system comprising a facility for determining a geographic location of a called party for a call placed by a caller ([0011]-[0015]), determining the time of day (TOD) in the called party's location ([0011]), checking for and applying treatment options set by the called party if the TOD determined falls within a preset range ([0011]-[0015]), and

Hinz fails to specifically disclose allowing the caller to enter a preset access code that will bypass the treatment options. However, Tiliks teaches allowing the caller to enter a preset access code that will bypass the treatment options (fig.2, [0092]-[0093]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Regarding claim 23, Hinz teaches a machine-readable medium having stored thereon a set of instructions that cause a machine to perform a method comprising:

(a) determining a geographic location of a user of the system for a call placed by a caller ([0011]-[0015]);

(b) determining the TOD at the user's location ([0011]);

(c) checking for and applying treatment options set by the user if the TOD in step (b) falls within a preset range ([0011]-[0015]); and

Hinz fails to specifically disclose (d) bypassing the treatment options if the caller enters a preset access code. However, Tiliks teaches (d) bypassing the treatment options if the caller enters a preset access code (fig.2, [0092]-[0093]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Tiliks to Hinz to provide a method for implementing call restrictions and personal identification number for bypassing call restrictions.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

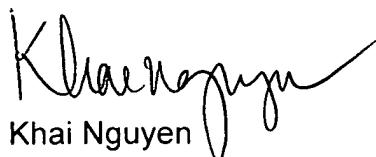
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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1/15/2008

1/18/08